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MAY 31 2007

In re Application of	:	OFFICE OF PETITIONS
Gerald Koelsch et al.	:	
Application No. 10/773,754	:	DECISION ON PETITION
Filed: February 6, 2004	:	TO WITHDRAW
Attorney Docket No. 022266-000930US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 7, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Assignees instructed application be transferred to new law firm for prosecution", does not meet any of the conditions set forth in 37 CFR 10.40 as there is no indication that an assignee has intervened in this application in accordance with 3.71 and 3.73(b).


Applicant is further advised that an assignee has not properly intervened in this application. If the assignee of the entire interest under 37 CFR 3.71 desires to intervene in this application or appoint counsel to represent him, then a proper 3.73(b) statement setting forth the chain of title of the assignment as well as proper power of attorney documents must be submitted. Note 37 CFR 3.73(b).

A courtesy copy of this decision is being mailed to applicant and to the address noted on the request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

A final rejection was mailed on January 17, 2007. Failure to timely respond will result in the abandonment of this application.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.


Frances Hicks
Petitions Examiner
Office of Petitions

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